

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

CHERYL K. EDWARDS

§

v.

§

CIVIL ACTION NO. 9:11cv1

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION

§

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the Commissioner's Motion to Dismiss, construed as a Motion for Summary Judgment, be granted and this action be dismissed with prejudice as untimely filed and for lack of subject matter jurisdiction. No written objections have been filed. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the Court.

In light of the foregoing, it is

ORDERED that the Commissioner's Motion to Dismiss (docket entry #7), construed as a Motion for Summary Judgment, is hereby **GRANTED** and this action is hereby **DISMISSED WITH PREJUDICE**. It is further

ORDERED that any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this **13** day of **September, 2011**.



Ron Clark, United States District Judge